



**Office of the Assistant Secretary of Defense
(Health Affairs)
TRICARE Management Activity
Acquisition Management and Support**

TRICARE ACQUISITION PRACTICE (TAP)

**TAP 01-02, Rev. 000
07 May 2003**

SUBJECT: ACQUISITION PEER REVIEW (APR)

Reference: TAM 1.601-91 Acquisition Peer Review (APR)

1. PURPOSE:

To establish responsibilities and procedures for scheduling, conducting, and documenting an APR.

2. APPLICABILITY:

This TAP applies to all activities and personnel responsible for the submission and review of contract actions subject to the TMA APR process defined in TAM 1.601-91.

3. DEFINITIONS:

An "Acquisition Peer Review (APR)" is the review of a proposed contract action conducted independently by a peer.

An "Acquisition Peer Reviewer" is a contracting officer, GS-14 and above, who does not work in the same branch as the contracting officer whose action requires review.

A "contracting officer" is the individual who prepares and signs a proposed contract action.

A "Team Lead" is the senior contracting officer assigned a particular contract or procurement.

4. RESPONSIBILITIES:

4.1. The contracting officer is ultimately responsible for ensuring all requirements of law, executive order, regulations, and all other applicable procedures have been met prior to submitting an action for APR.

TRICARE ACQUISITION PRACTICE (TAP)

TAP 01-02, Rev. 000
07 May 2003

4.2. The contracting officer's Branch Chief is responsible for managing workload distribution within the branch, as well as for reviewing work products of his/her branch to ensure the products meet or exceed branch standards.

4.3. The Chief, Contract Management Cost Pricing Branch (CMCP) will ensure adequate cost/pricing review(s) are accomplished, as required, on actions submitted for APR.

4.4. The reviewer's Branch Chief shall assign the action and, as required, resolve open issues.

4.5. The Team Lead is responsible for reviewing a Lead Agent Administrative Contracting Officer (LA ACO) proposed action.

4.6. The reviewer(s) shall examine an assigned action and provide comments and recommendations to the contracting officer using the TMA Form 703, Acquisition Peer Review (APR).

5. PROCEDURES:

5.1. General.

5.1.1. The purpose of the APR is to ensure:

Compliance – follow laws, regulations, policy and procedure (e.g., FAR, DFARS, TAM, TAPs, DoD Directives).

Adequacy – documentation is current, accurate, complete, and supports action.

Good business judgment – review contracting officer's independent decision and ensure facts support the decision. The review does not impose the reviewer's judgment or substitute the reviewer's judgment for the contracting officer's judgment.

5.1.2. All proposed actions equal to or greater than \$5M are subject to an APR. All proposed actions under \$5M will be reviewed by the contracting officer for compliance, adequacy, good business judgment, and consistency. An APR is not required for proposed actions under \$5M, however, the contracting officer may request an APR for any proposed action under \$5M.

5.1.3. Regardless of dollar amount, if an action includes contentious issues or issues with a broad TMA impact, the contracting officer should discuss the issue with his/her Branch Chief or prepare a point paper and request an APR.

TRICARE ACQUISITION PRACTICE (TAP)

TAP 01-02, Rev. 000
07 May 2003

5.1.4. If the contracting officer determines that negotiations between the Government and an offeror/contractor are at an impasse, both parties should break, and the contracting officer should seek assistance from his/her Branch Chief and request an APR if appropriate.

5.1.5. Actions requiring legal review are identified in TAM 1.601-90. Legal review shall be obtained before the APR unless the Director, Contract Management Division (CMD) grants an exception. Any subsequent substantive legal comments shall be provided to the reviewer(s).

5.2. Scheduling an APR.

5.2.1. The individual whose action requires review shall compile all the documents with a signed TMA Form 703 and provide a complete package to the contracting officer for review/signature.

5.2.2. After signature, the contracting officer will provide the package to his/her Branch Chief for review prior to scheduling an APR.

5.2.3 The contracting officer's Branch Chief, in coordination with CMD management, will provide the package to the reviewer's Branch Chief. The reviewer's Branch Chief will identify a reviewer(s) by workload availability, assign the package, and track the action until the APR is complete.

5.2.4. In lieu of a single reviewer, an ad hoc working group may be formed to review a solicitation or other highly complex action when deemed necessary by the Director, CMD.

5.3. Conducting and Documenting an APR.

5.3.1. Actions submitted for APR shall include cost/pricing review by CMCP.

5.3.2. The reviewer(s) will document the TMA Form 703 with written comments and recommendations and return the package through the reviewer's Branch Chief to the contracting officer within five (5) workdays for an RFP and three (3) workdays for all other actions, unless a shorter suspense has been agreed to and approved by the Director, CMD.

5.3.3. Either the contracting officer or the reviewer(s) may initiate discussions regarding issues of concern reflected in the written comments. The individual who prepared the proposed action should participate in the discussions.

TRICARE ACQUISITION PRACTICE (TAP)

TAP 01-02, Rev. 000
07 May 2003

5.3.4. The reviewer(s) may modify the written comments after completing any discussions.

5.3.5. It is the contracting officer's responsibility to resolve reviewer comments. If the contracting officer cannot resolve reviewer comments, the reviewer's Branch Chief will confirm the validity of the issue(s) and forward the action to the contracting officer's Branch Chief for resolution. Branch Chief's may use other resources to resolve issues including the Policy, Compliance, and Information Management Division (PC&IM) and CMD management.

5.3.6. The contracting officer will document final resolution/actions, including recommendations taken and incorporated or an explanation why recommendations were not incorporated. Editorial comments will be resolved at the contracting officer's discretion.

5.3.7. The contracting officer will ensure lessons learned are added to the Knowledge Management System.

5.3.8. Review documents shall become a part of the official contract file. As a minimum, the file shall contain the original fully executed TMA Form 703 reflecting all reviewer comments, all supporting attachments, and resolution of all items.

5.3.9. The contracting officer will advise his/her Branch Chief when the APR has been completed.

5.4. APR Process for LA ACO Actions.

5.4.1. The Team Lead shall perform the APR (i.e., serve as reviewer) for LA ACO actions valued between \$500,000 and \$4,999,999. The LA ACO and the reviewer may discuss the written comments, if necessary, to reach resolution. If the LA ACO cannot resolve the reviewer comments, the reviewer's Branch Chief will resolve the issue(s).

5.4.2. For LA ACO proposed actions equal to or greater than \$5M, the Team Lead shall review the action prior to submitting it to his/her Branch Chief for participation in the APR process described in paragraphs 5.2. and 5.3. above.

5.5. Compliance Reviews.

5.5.1. Branch Chiefs may randomly select actions for their review to ensure that appropriate steps are taken and good business judgment is used.

TRICARE ACQUISITION PRACTICE (TAP)

TAP 01-02, Rev. 000
07 May 2003

5.5.2. PC&IM will schedule and conduct compliance reviews to determine if actions are being awarded in accordance with applicable laws, rules, regulations, and local guidance. Compliance reviews are addressed in TAP 54-02, Compliance Program.



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ENCLOSURES

1. TMA Form 703, Acquisition Peer Review (APR), (3 pages)